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STATE
SOVEREIGNTY.

A DIALOGUE.

A. How are you neighbor B? What is the news in Frankfort?

B. Good afternoon, neighbor A. There appeared to be little talked of except the result of the recent election for members of the Legislature, and the great rebellion of the Southern States against the National Government.

A. I am very sorry, neighbor B, that you insist on calling the United States a "national government," and the withdrawal of a portion of the States from the Union "a great rebellion." The idea of "a national government" completely denies the sovereignty of the States of which the Union is composed; while if the States which have withdrawn and formed the Confederate States are in a state of "rebellion," there is an end to all individuality of the States, and to the possession by the States of any rights except those which the Constitution and the Laws of the United States may see fit to bestow on them.

B. Well, neighbor A, I had no idea of stirring up your anger to this extent, by the simple use of ordinary language in answering your question, but since you have felt so indignant on the subject of my remarks, it may be well to remind you that I deny the existence of any sovereignty in the States, and assert that our government is a "national" government; that the people of the United States are "one people," and that Jeff. Davis, and those who act with him, from Virginia to Texas, are "rebels" and "traitors," and that I think I can give good reasons for my belief.

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A. If I became excited, in a small degree, by the use of the word "national" as applied to the General Government, and that of "rebellion" when applied to the secession of the Confederate States, it appears to me that you have become much more so in your reply, and in the explanation of your sentiments. I pray you, however, inform me what evidence you have to sustain the peculiar sentiments you have advanced?

B. If there has been any warmth exhibited in my remarks, I ask your pardon; and I will endeavor, as well as I can, in the few minutes I have at my disposal, to show my reasons for the sentiments which I have set forth. As facts are better than theory in this matter, where time is limited, allow me to remind you that, throughout the earlier history of the several colonies, each of them had its separate set of grievances, and struggled hopelessly—because singly—for redress, with the mother country, until the Stamp Act of 1765 was passed, and served as a general bond of union through which the thirteen became *one people*—with one set of grievances, demanding redress with one voice. The first General Congress was held in that year, and to that Congress, and to those which succeeded it, the management of the affairs of the United Colonists was entrusted. This unity of the people secured the repeal of the Stamp Act in 1766; and in the name of the same united people—not in the name of the several parts or States—the General Congress of 1776, declared the Independence of the United States—not of each State separately—on the 4th of July, in that year. The same united people—first as "the Continent," and afterwards as "The United States of America"—met the armies of the King and conquered its Independence; and after an unsuccessful experiment with State Sovereignty, under the Articles of Confederation, the same "People of the United States," "in order to form a more perfect Union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to themselves and their posterity," ordained and established the Constitution of the United States, under which both you and I live, and to which we are both subject as the supreme law of the land. You will, therefore, see that the people of the colonies were united into one—E PLURIBUS UNUM—in 1765, and as such led on the mighty Revolution which gradually broke up the sentiments of loyalty which had bound them to the Mother Country; that when the

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War of the Revolution was opened before Boston, in 1775, the same single people, under the name of "The Continent," mustered "the Continental army," and expelled the enemy from New England; that after July 4th, 1776, as "THE UNITED STATES OF AMERICA," the same united people coutinued the contest, and gained the victory; and the same people, still undivided, after the establishment of peace, adopted and promulgated the present fundamental law of our country; and for what reason, I pray you, should I consider it now in any other light than the same united people, rather than as thirty-four separate, independent, and sovereign people, loosely tied together, without destroying their individuality, and subject to be separated at any moment, on the caprice of any of the number?

A. Is this your only authority? The incidents in our history, of which you speak, may be wholly true; but I confess the use of them in this connection is entirely new to me. What is there in the Constitution itself, as you understand it, to support the sentiments which you have expressed?

B. Of the truth of my historical references, you can quickly satisfy yourself by an examination of any of the standard histories which are on the shelves of the library in the village; of the force of my application of them to the subject of the unity of the people, of the "nationality" of the government, you are as competent to judge as is any other person. Respecting the provisions of the Constitution itself you have heard them from the lips of our Clay, in the olden time, and from those of Joe Holt, within a few weeks past, in terms so much superior to any which I can use that it appears improbable that I can be of any service to you. I will, therefore, merely submit some of the principal points for your consideration; and as my time has nearly expired, I will then leave the subject with you for your consideration during the moments when you may be left alone without care and without occupation:

The Constitution was adopted by the united people—"We the people of the United States do ordain and establish this Constitution." (1)

The powers with which it vests the General Government are sovereign, and there can be but one sovereign over the same people. It has power "to lay and collect taxes, duties, imposts, and excises," for the

(1) See section 8 of the Constitution of the United States.

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purposes of the general government; it has power "to borrow money on the credit of the United States;" "to regulate commerce with foreign nations, and among the several States;" "to coin money;" "to fix the standard of weights and measures;" "to establish post-offices and post roads;" to establish courts of justice inferior to the supreme court; to punish offenses committed on the high seas, and offenses against the law of nations; to declare war and to make peace; to make treatise with foreign nations; to raise and support armies; to provide and support navies; to call out the militia to enforce the execution of the laws of the United States; to repel invasions, and to suppress insurrections, and to make all laws which are necessary to carry these powers into effect—tolerable evidence, in itself, of the whereabouts of the sovereign power under the Constitution, especially since the same powers are possessed by no other body.

The powers of the States are expressly limited by the Constitution, (2,) so that they cannot enter into any treaty, alliance, or confederation with their sister States, or with foreign nations; they cannot coin money, or issue bills of credit; they cannot alter the legal tender of gold or silver; they can grant no title of nobility; they can lay no impost on imports or exports; they cannot keep troops or ships of war in time of peace; nor can they commit any act of war, unless in actual self-defense—all of which will show the very limited amount of the *sovereignty* to which the States can possibly pretend, under any state of affairs.

Each State is guaranteed, by the Constitution, a republican form of Government, and any attempt, by any of the States, to establish local constitutions, which are not republican in their character, will expose themselves to the power of the General Government in its most disagreeable form.

The Constitution, the laws of the United States, and the treaties made by them are the supreme law of the land, and the judges in every State, and the inhabitants thereof, are bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

And, lastly, *all officers*—legislative, executive, and judicial, both those of the United States, and those of every State—*are obliged by the Constitution to take an oath to support that Constitution,* which, in it-

(2) See section 10 of the Constitution.

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self, as establishing the allegience of the officers, completely overthrows, in my opinion, every vestige of the alleged sovereignty of the States.

Such, neighbor A, are the leading features of the Constitution, as I have learned its meaning from our good old political fathers, on which I depend when I deny the "sovereignty of the States;" and when I hear of any one who denies the authority of the Constitution, the laws made in pursuance thereof, and the treaties entered into by the United States, declaring them to be no longer the supreme law of the land, I am forced to consider him a "rebel," if not a traitor; and I should consider him as a "rebel," even if he were my own brother.

A. You have certainly made out a good case, but there are some of your positions which are so completely antagonistic to the resolutions which were passed by the legislature of this State in 1798—known to all the country as "the Kentucky resolutions of 1798"—that I desire to hear you reconcile them.

B. I do not desire to be considered harsh or unkind to you, or wanting in due respect to your party prejudices, but, my dear friend, I cannot undertake any such a task as that which you propose. I respect Mr. Jefferson, who wrote the "resolutions of 1798," and the resolutions themselves as a mere partizan paper, intended for effect in the then approaching Presidential election, performed the work for which they were designed, and performed it well; therefore let them all rest undisturbed. For your satisfaction, however, let me remark, that "the Kentucky resolutions of 1798," as well as "the Virginia resolutions of 1798"—both great affairs in their day—were mere resolves of State legislatures, and possessed no weight when confronted with the Constitutition or laws of the United States. Wherein they agreed with the Constitution all was well, although I do not suppose the weight which was added, by that agreement, disturbed the equilibrium of the United States a single hair's-breadth; while, on the other hand, wherein they were antagonistic to the Constitution, at that time, as it still is, the supreme law of Kentucky and Virginia, they were entirely and utterly void from the beginning, and so they remain to this day, although the vacuum occasioned by their want of vitality, I imagine, has not disturbed either the United States or any of their inhabitants in the remotest degree. I have only to remark, therefore, that wherein "the

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resolutions of 1798" agree with the Constitution, I have nothing to explain; while, to use your own word, wherein they are "antagonistic" to that instrument they are void; and the duty which you have assigned to me is to contest with that which has no vitality. I cannot fight a shadow—something which has no substance, and can have none under any circumstances—and you, my friend, must not expect it. I rest my belief on the Constitution and the laws, as I have learned their meaning from the fathers of our State and country, confirmed by the wisest of their successors, and ratified by my own judgment after careful reflection. I care nothing for any less authoritative teachers; and, with all due respect, allow me to advise you to adopt the same standard for your political creed.

A. The frankness of your manner, and your sincerity, in themselves, will silence a multitude of objections which have presented themselves to my mind on this subject. My own education and observation had led me to different results, in many instances, from those at which you have arrived; although your remarks respecting the relative weight of the Constitution and of the enactments of State legislatures are eminently just. At some future time we will discuss the subject further. I will not detain you longer this afternoon.

B. I will cheerfully meet you, when both are disengaged, for a further examination of the subject. As my time has expired I must bid you good afternoon.

A. Good afternoon.

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EXTRACTS.

GENERAL GEORGE WASHINGTON.—"The unity of Government, which constitutes you ONE PEOPLE, is the main pillar in the edifice of your real independence; the support of your tranquility at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize." "It is of infinite moment that you should properly estimate the value of your *National Union* to your collective and individual happiness."—*Farewell Address.*

GENERAL JACKSON ON SECESSION.—"The Constitution of the United States, then, forms a Government—not a league—and whether it be formed by compact between the States, or any other manner, its character is the same. It is a Government in which all the people are represented, which operates directly on the people individually, not upon the States—they retaining all the power they did not grant. But each State having expressly parted with so many powers as to constitute jointly with the other States a single nation, cannot, from that period, possess any right to secede, because such secession does not break a league, but destroys the unity of a nation."—*Proclamation—Gales and Seaton's Register, vol. 9, part 2, page* 134.

JOHN C. CALHOUN, OF SOUTH CAROLINA.—"That each State has a right to act as it pleases in whatever relates to itself exclusively, no man will deny; but it is a perfectly novel doctrine that any State has such a right when she comes to act in concert with others in reference to whatever concers the whole. In such cases, it is the plainest dictate of common sense, that whatever affects the whole should be regulated by the mutual consent of all, and not by the discretion of each."—*Calhoun's letter declining nomination to Baltimore Convention in February*, 1844.

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HON. ALEX. H. STEVENS, OF GEORGIA.—"The first question that presents itself is, shall the people of the South secede from the Union in consequence of the election of Mr. Lincoln to the Presidency of the United States? My countrymen, I tell you frankly, candidly and earnestly, that I do not think they ought. * * * * That this Government of our fathers, with all its defects, comes nearer to the objects of all good governments than any other on the face of the earth, is my settled conviction."—*Stevens' Speech before Georgia Legislature, Nov.* 1860.

RICHMOND ENQUIRER, OF NOV., 1814.—"No man—no association of men—no State, or no set of States, has a right to withdraw itself from this Union, of its own accord. The same power which knit us together can only unknit. The same formality which forged the links of the Union is necessary to dissolve it. The majority of States which form the UNION must consent to the withdrawal of any one branch of it. Until that consent has been obtained, any attempt to dissolve the Union, or obstruct the efficiency of its constitutional laws, is treason —TREASON to all intents and purposes."

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